



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,091	04/20/2004	John C. Eidson	10040199-1	6015
7590 11/03/2008 AGILENT TECHNOLOGIES, INC. Legal Department, DL429 Intellectual Property Administration P.O. Box 7599 Loveland, CO 80537-0599				
EXAMINER				
JACOBS, LASHONDA T				
ART UNIT		PAPER NUMBER		
2457				
MAIL DATE		DELIVERY MODE		
11/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/829,091

Applicant(s)

EIDSON ET AL.

Examiner

LASHONDA T. JACOBS

Art Unit

2457

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-16 and 18-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicants' amendment filed on July 3, 2008.

Claims **1-8, 10-16** and **18-22** are presented for examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **1-8, 10-16** and **18-22** are rejected under 35 U.S.C. 102(e) as being anticipated by Vandermeijden (U.S. Pat. No. 6,804,524).

As per claim **1, 10** and **18**, Vandermeijden discloses a measurement/control system, method and distributed device comprising:

- configuration data source that provides a set of configuration data that specifies a measurement/control function (col. 3, lines 53-67, col. 4, lines 1-19, Vandermeijden discloses a traffic server storing configuration data for the mobile devices); and
- a set of distributed devices each having means for obtaining the configuration data from the configuration data source and means for diffusing the configuration data among the distributed devices wherein the means for diffusing includes means for determining a relative staleness of a set of configuration data stored in the distributed devices (col. 3,

Art Unit: 2457

lines 53-67, col. 4, lines 1-19, col. 9, lines 35-40 and col. 10, lines 9-19; Vandermeijden discloses receiving data from mobile devices at the traffic server and determining if any stale data is stored in the database).

As per claim 2, Vandermeijden discloses:

- wherein the configuration data source includes a source kiosk that obtains the configuration data from an application server (col. 4, lines 5-67 and col. 5, lines 1-27).

As per claim 3, Vandermeijden discloses:

- wherein the configuration data source is co-located with a service provider accessible by one or more of the distributed devices (col. 4, lines 5-67 and col. 5, lines 1-27).

As per claim 4, Vandermeijden discloses:

- wherein the means for diffusing includes means for forming a communication channel with a kiosk (col. 3, lines 1-8, col. 4, lines 5-67 and col. 5, lines 1-27).

As per claim 5, Vandermeijden discloses:

- wherein the means for forming a communication channel includes means for forming a communication channel in response to a physical proximity to the kiosk (col. 3, lines 1-8, col. 4, lines 5-67 and col. 5, lines 1-27).

As per claim 6, Vandermeijden discloses:

- wherein the means for diffusing includes means for forming a communication channel with another of the distributed devices (col. 3, lines 1-8, col. 4, lines 5-67 and col. 5, lines 1-27).

As per claim 7, Vandermeijden discloses:

Art Unit: 2457

- wherein the means for forming a communication channel includes means for forming a communication channel in response to a physical proximity (col. 3, lines 1-8, col. 4, lines 5-67 and col. 5, lines 1-27).

As per claim 8, Vandermeijden discloses:

- wherein the means for diffusing includes means for determining a relative staleness of a set of configuration data stored in a kiosk and a set of configuration data stored in the distributed devices (col. 3, lines 53-67, col. 4, lines 1-19, col. 9, lines 35-40 and col. 10, lines 9-19);).

As per claim 11, Vandermeijden discloses:

- wherein the step of providing includes the step of obtaining the configuration data from an application server (col. 4, lines 5-67 and col. 5, lines 1-27) .

As per claim 12, Vandermeijden discloses:

- wherein the step of providing includes the step of co-locating the configuration data with a service provider accessible by one or more of the distributed devices (col. 4, lines 5-67 and col. 5, lines 1-27) .

As per claim 13, Vandermeijden discloses:

- wherein the step of diffusing includes the step of forming a communication channel between a pair of the distributed devices (col. 3, lines 1-8, col. 4, lines 5-67 and col. 5, lines 1-27) .

As per claim 14, Vandermeijden discloses:

Art Unit: 2457

- wherein the step of forming a communication channel includes the step of forming a communication channel in response to a physical proximity of the pair (col. 3, lines 1-8, col. 4, lines 5-67 and col. 5, lines 1-27).

As per claim **15**, Vandermeijden discloses:

- wherein the step of diffusing includes the step of forming a communication channel with a kiosk (col. 3, lines 1-8, col. 4, lines 5-67 and col. 5, lines 1-27).

As per claim **16**, Vandermeijden discloses:

- wherein the step of forming a communication channel includes the step of forming a communication channel with the kiosk in response to a physical proximity of the kiosk (col. 3, lines 1-8, col. 4, lines 5-67 and col. 5, lines 1-27).

As per claim **19**, Vandermeijden discloses:

- wherein the means for diffusing includes means for forming a communication channel to the other distributed devices (col. 3, lines 1-8, col. 4, lines 5-67 and col. 5, lines 1-27).

As per claim **20**, Vandermeijden discloses:

- wherein the means for forming a communication channel includes means for forming a communication channel in response to a physical proximity (col. 3, lines 1-8, col. 4, lines 5-67 and col. 5, lines 1-27).

As per claim **21**, Vandermeijden discloses:

- wherein the means for diffusing includes means for forming a communication channel to a kiosk (col. 3, lines 1-8, col. 4, lines 5-67 and col. 5, lines 1-27).

As per claim **22**, Vandermeijden discloses:

- wherein the means for forming a communication channel includes means for forming a communication channel in response to a physical proximity of the kiosk (col. 3, lines 1-8, col. 4, lines 5-67 and col. 5, lines 1-27).

Response to Arguments

3. Applicant's arguments with respect to claims **1-8**, **10-16** and **18-22** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LASHONDA T. JACOBS whose telephone number is (571)272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2457

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LaShonda T Jacobs/
Examiner, Art Unit 2157

ltj
October 28, 2008